

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7274 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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DHARNENDRA INDUSTRIES LIMITED

Versus

GUJARAT SMALL INDUSTRIES CORPORATION LIMITED

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Appearance:

MR MB BUCH for Petitioners

MR PV HATHI for Respondent No. 1

MR SUDHANSU PATEL for Respondent No. 2

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/02/99

ORAL JUDGEMENT

#. Rule. Shri P.V.Hathi and Shri Sudhanshu Patel waives service of Rule for respondents No.1 and 2.

#. Heard the learned counsel for the parties.

#. The Notification dated 24th April 1998, annexure-A,

is not challenged by the respondent No.1. This Notification is valid till 21.4.99. In view of this fact, the respondent No.1 cannot take any action to recover its dues by affecting attachment of the properties of the company.

#. The learned counsel for the respondent No.1 contended that the State Government has passed this Notification without giving notice and opportunity of hearing to the Corporation. However, this is not the point to be considered at this stage. Though this writ petition only on this short ground deserves to be accepted, it is made clear that in case the State Government decides to extend the period of Notification aforesaid or pass any fresh Notification under the provisions of the Bombay Relief Undertakings (Special Provisions) Act, 1958, in favour of the petitioner-company, the respondent-Corporation shall be given notice and opportunity of hearing. However, the petitioner-Company shall not transfer any of its movable or immovable property without permission of this Court. The respondent-Corporation shall be free to proceed against the Director or Directors of the petitioner-Company for recovery of its dues against the Company in accordance with law.

#. Subject to these directions, this special civil application is allowed. Rule is made absolute accordingly. No order as to costs.

(S.K.Keshote, J.)

[sunil]